

REMARKS

PATENT OFFICE INTERVIEW

The interview conducted on January 5, 2006, between Examiner Duc Truong and Applicants' representatives is acknowledged with appreciation. A summary of the interview was prepared by the Examiner and is presented on the Interview Summary Sheet. Accordingly, agreement was reached on amendments to the claims, which would overcome the outstanding rejection and put the instant application in condition for a declaration of interference with U.S. Patent 6,525,168 and U.S. Application Serial No. 10/368,135.

SUMMARY OF OUTSTANDING OFFICE ACTION

Claims 22-27, 31-34, 41 and 42 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. 6,525,168. Claims 35-36 and 43 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Application Serial No. 10/368,135.

ISSUE

The issue associated with the rejection of Applicants' claims is whether Applicants are entitled to the priority date of prior Application Serial No. 08/802,130, now U.S. Patent No. 5,912,319. The filing date of the aforementioned U.S. Patent is February 19, 1997, and well before the respective filing dates of the references relied upon in the Official Action. U.S. Patent No. 6,525,168 was filed on March 9, 2001, and Application Serial No. 10/368,135 was filed on March 9, 2001. If Applicants are entitled to the 1997 date, the rejection would be overcome and an interference declared between the instant application and the references relied upon in the Official Action.

EXAMINER'S POSITION

The Examiner contends that Applicants are not entitled to the 1997 date because the claims encompass subject matter not supported by the 1997 application. Specifically, p and q shown in the structural formula of claims 22 and 31 is claimed as being integers between 2 and 6 and 1 and 5, respectively. The Examiner argues that the 1997 application only disclosed p and q as being 2. Therefore, Applicants can only claim priority where p and q in the main structural formula is 2.

APPLICANTS' RESPONSE

Applicants in this response have amended the claims such that the substituents $-(CH_2)_p-$ and $-(CH_2)_q-$ shown in the main structural formulas of claims 22 and 31 are now each shown as being $-CH_2-CH_2-$ groups. This is the same as saying that $p=q=2$. However, Applicants have amended the claims in this fashion to avoid an ambiguity with the definition of R^1 following the main structural formulas in claims 22 and 31. In R^1 both p and q are used to characterize moieties that are different than the moieties associated with p and q as formerly used in the main structural formulas. Therefore, $-(CH_2)_p-$ and $-(CH_2)_q-$ have been removed from the main structural formulas and replaced with $-CH_2-CH_2-$, respectively. Specific support for this amendment is shown on page 14, line 20 of the present application and in column 3, lines 10 and 11 of the priority document, U.S. 5,912,319.

Therefore, it is respectfully submitted that the present amendment to the claims overcomes the prior art rejection and puts the present application in condition for a declaration of interference with the references relied upon in the Official Action, namely,

U.S. Patent 6,525,168, and

U.S. Application 10/368,135

Applicants respectfully request an interference be declared using the Proposed Counts set forth in Appendix A.

Should this amendment raise any questions, the Examiner is urged to contact Applicants' attorney undersigned below for a telephonic interview to resolve the questions. Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account No. 06-0916..

An Associate Power of Attorney to the undersigned attorney is being submitted with this response.

Respectfully submitted,

Date: January 13, 2006

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